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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 PATRICIA ATKINSON,

11 Plaintiff,

12 v.

13 GENEVA LANGWORTHY,

14 Defendant.

CASE NO. C20-95 MJP

ORDER GRANTING MOTION TO
REMAND

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16 This matter comes before the Court on Plaintiff's Emergency Motion to Remand (Dkt.
17 No. 6.) Having reviewed the Motion, Plaintiff's State Court Petition for an Order of Protection
18 (Dkt. No. 1, Ex. 2), Defendant's Notice of Removal (Dkt. No. 5), and the remaining record, the
19 Court REMANDS this action to Whatcom County District Court.


20 On December 23, 2019, Plaintiff sought a protective order from the Whatcom County
21 District Court, alleging that Defendant was harassing her by "protesting" outside her home
22 because of Plaintiff's role as a volunteer treasurer for the Alternative Humane Society in
23 Bellingham, Washington. (Dkt. No. 1, Ex. 2 at 3.) Plaintiff obtained a temporary protective
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1 order on December 23, 2019 that was reissued on January 8, 2020. (Dkt. Nos. 3, 6.) On January
2 20, 2020, Defendant removed to this Court, citing no basis for federal jurisdiction.

3 While Defendant asserts that “an issue of federal law is the central and essential element
4 of the petitioner’s case” and that she intends “to counter-sue for denial of free speech and free
5 expression,” these assertions do not establish federal jurisdiction. (Dkt. No. 1, Ex. 1.) “The
6 presence or absence of federal question jurisdiction is governed by the ‘well-pleaded complaint’
7 rule, which provides that federal jurisdiction exists only when a federal question is presented on
8 the face of the plaintiff’s properly pleaded complaint.” California v. United States, 215 F.3d
9 1005, 1014 (9th Cir.2000). A case may not be removed on the basis of a federal defense, even if
10 that defense is the only question truly at issue. Caterpillar, Inc., v. Williams, 482 U.S. 386, 392
11 (1987). Nor may removal be based on a counterclaim. The Holmes Group, Inc., v. Vornado Air
12 Circulation Systems, Inc., 535 U.S. 826, 832 (2002). Because Plaintiff’s Petition for an Order of
13 Protection (Dkt. No. 1, Ex. 2) contains no federal claims, this Court has no jurisdiction and
14 REMANDS this matter to Whatcom County District Court.

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16 The clerk is ordered to provide copies of this order to both parties.

17 Dated January 22, 2020.

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19 Barbara J. Rothstein
20 Barbara J. Rothstein
21 United States District Judge
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